



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: May 06, 2014.

A handwritten signature in black ink that reads "Tony M. Davis".

**TONY M. DAVIS
UNITED STATES BANKRUPTCY JUDGE**

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

FIRED UP, INC.

DEBTOR¹

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§
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§
§

**CASE NO. 14-10447
(Chapter 11)**

**AGREED ORDER WITH REGARD TO NATIONAL RETAIL PROPERTIES, LP ON
DEBTOR'S EMERGENCY [FIRST] MOTION TO
REJECT UNEXPIRED LEASES ON NON-RESIDENTIAL REAL PROPERTY
PURSUANT TO 11 U.S.C. § 365 NUNC PRO TUNC TO THE PETITION DATE**

On May 1, 2014, the Court considered the Debtor's Emergency [First] Motion to Reject Unexpired Leases of Non-Residential Real Property Pursuant to 11 U.S.C. § 365 *Nunc Pro Tunc*

¹ Until February 26, 2014, Debtor's business was being operated partially by the Debtor and partially by its two wholly owned subsidiaries, Kona Restaurant Group, Inc. and Carino's Italian Kitchen, Inc.. Those entities were merged into the Debtor on that date.

to the Petition Date (the “Motion”) (Dkt. #11) and the Renewed Limited Objection filed by National Retail Properties, LP (Dkt. #118). The Court finds that it should enter the following agreed order with regard to the Motion and the Renewed Limited Objection of National Retail Properties, LP. Accordingly, it is therefore:

ORDERED that pursuant to 11 U.S.C. § 365, the rejection of the Real Property Leases identified below hereto is hereby approved *nunc pro tunc*, effective as of the Petition Date:

Store	Property Address	Landlord	Contract Date
46	3805 I-10 South Beaumont, TX 77705	National Retail Properties, LP	01/29/2001
50	595 E. Round Grove Road Lewisville, TX 75067	National Retail Properties, LP	07/25/1997

and it is further

ORDERED that Debtor shall remove any of its property from the locations identified above by midnight on May 9, 2014; and it is further

ORDERED that National Retail Properties shall cooperate in giving the Debtor access to the locations prior to May 9, 2014; and it is further

ORDERED that any property not removed by midnight on May 9, 2014 shall be deemed abandoned and the Debtor shall relinquish all rights to such property; and it is further

ORDERED that Debtor waives any right it might have to pursue an action to recover any property abandoned pursuant to the provisions above; and it further

ORDERED that this Order shall be without prejudice to the right National Retail Properties, LP to file a proof of claim (including an administrative claim) and to the right of Debtor and/or the Official Committee of Unsecured Creditors to object to such claim.

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APPROVED AS TO FORM AND SUBSTANCE:

/s/Stephen W. Sather

Stephen W. Sather

Attorney for Debtor (Proposed)

/s/Cassandra Stepanik

Cassandra Sepanik

Attorney for National Retail Properties, LP

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